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October 23, 2020

**VIA ECF**

Hon. Andrew L. Carter Jr.  
United States District Court Judge, S.D.N.Y.  
40 Foley Square  
New York, NY 10007

**Re: Actava TV, Inc., et al. v. Joint Stock Company “Channel One Russia  
Worldwide” et al. (18-cv-06626)**

Dear Judge Carter:

We represent Plaintiffs in the above captioned action. We write with respect to Plaintiffs’ June 26, 2020 objections pursuant to Rule 72(a) of the Federal Rules of Civil Procedure (ECF 176) to Magistrate Judge Fox’s May 28, 2020 ruling via telephone conference.

On April 1, 2020, Plaintiffs issued a fourth set of document requests to Defendants directing them to produce all documents, including pleadings and filings, concerning any legal dispute between any Defendants that is currently pending or was formerly pending in any country. After six months of obstinacy and inaction, Defendants finally produced material on October 1, 2020 pertaining to two relevant lawsuits: one filed by Defendant Channel One against Defendant Kartina in Russia on July 22, 2019; and another filed by Defendant Kartina against Defendant Channel One in Germany on June 24, 2019.

In both the German and Russian lawsuits, Channel One specifically alleges that Kartina is presently, and has been, infringing on Channel One’s copyrights by unlawfully streaming and broadcasting its programming.<sup>1</sup> Further, Channel One alleges that Kartina has done so not only in Russia, but also throughout the world – including here in the United States. This ongoing evidence of the parties’ past and ongoing legal disputes reinforces Plaintiffs’ arguments that Defendants’ interests were and are not identical, as is required for the application of the common interest doctrine, and that Defendants’ communications should be therefore revealed in discovery.

We appreciate the Court’s time and attention to this matter.

Respectfully submitted,

*/Toby Butterfield/*

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<sup>1</sup> In the litigation before the Moscow City Court, for instance, Channel One and Channel One Russia Worldwide claim Kartina “carried out [broadcasts] without obtaining proper permission from the Plaintiffs. . .violat[ing] Plaintiffs’ exclusive right to broadcast TV....” CHANNELONEACTAVA006234, at 5-6.